IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14804 of 2004

Between:

M.Mallaiah S/o. Dubbaiah
R/o. Ramayampet Village and Mandal, Medak District

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority Siddipet, Medak District.
2 The Motor Vehicle Inspector Regional Transport Authority,

Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order, direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No. AP 23 U 19 Vide Vehicle Check Report No.763074, dt.16.7.2004 as illegal arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No. AP 23 U 19.

Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR

Counsel for the Respondent Nos.1 & 2: GP FOR TRANSPORT

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.14804 OF 2004

ORDER:

The petitioner is the owner of a vehicle bearing Registration No. AP 23 U 19. The vehicle was seized by the second respondent on 16-07-2004, and a Check Report was issued on the ground that the petitioner failed to produce the documents of the vehicle at the time of checking.

2. The petitioner contends that he is having the requisite documents of the vehicle. The petitioner further contended that he made an application to the first respondent by producing the documents dated 13-08-2004, but the first respondent did not pass any orders on his representation. He therefore, approached this Court seeking to declare that the seizure of the vehicle by the second respondent, as illegal and arbitrary, and to release the vehicle in favour of the petitioner.

3. Since the enquiry is pending before the first respondent, it is for the petitioner to produce the necessary documents, during the course of enquiry and get appropriate orders from the first respondent. If the vehicle is kept idle exposing it to sun and rain, it is likely to be damaged.

4. In view of the representation made by the petitioner, the writ petition is disposed of, directing the first respondent to grant interim custody of the vehicle in question to the petitioner on his depositing a sum of Rs.5,000/- with the first respondent by complying the following conditions:

i. The vehicle in question shall not be alienated or transferred to any other person;

ii. It shall be produced as and when required by the concerned authority;

iii. The petitioner shall not change the parts or shape of the vehicle without permission of the respondents;

iv. The amount deposited shall be adjusted, if the authority finds that

the petitioner violated the provisions of the Motor Vehicles Act and Rules framed thereunder.

5. The first respondent is at liberty to proceed with the enquiry, and pass appropriate orders in the matter.

6. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

20th August, 2004

SKM

Note:

Furnish C.C. within two days.

B/o.

Skm

TO

1 The Secretary, Regional Transport Authority Siddipet, Medak District.
2 The Motor Vehicle Inspector Regional Transport Authority,

Secunderabad.

3 Two C.Cs. to G.P. for Transport, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

4 Two C.D.Copies.